



National Park Service

[NPS-WASO-NAGPRA-NPS0034985; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intent to Repatriate Cultural Items: New York State Museum, Albany, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the New York State Museum (NYSM), intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice. The cultural items were removed from Orange and Ulster Counties, NY.

DATES: Repatriation of the cultural items in this notice may occur on or after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

ADDRESSES: Lisa Anderson, New York State Museum, 3049 Cultural Education Center, Albany, NY 12230, telephone (518) 486-2020, email lisa.anderson@nysed.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the NYSM. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records held by the NYSM.

Description

In 1909, Everett R. Burmaster removed two unassociated funerary objects from a Native American grave at the Van Etten site near Port Jervis, in Orange County, NY, during excavations conducted for the NYSM. The unassociated funerary objects are one brass lion sejant spoon and one bronze bell. Archeological evidence indicates the burials from the Van Etten site date to the first half of the 18th century, when the area was known as traditional Munsee or Lenape territory.

Between 1957 and 1972, James R. Burggraf removed two unassociated funerary objects

from a Native American grave at the Hurley site in Hurley, Ulster County, NY. The objects were donated to the NYSM in 1994 as part of a larger collection. The unassociated funerary objects are one bannerstone and one projectile point. Archeological evidence indicates the Hurley site was occupied repeatedly from the Late Archaic to Late Woodland periods, with a primary occupation during the Late Woodland period.

Cultural affiliation

The cultural items in this notice are connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: archeological and geographical.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the NYSM has determined that:

- The four cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- There is a relationship of shared group identity that can be reasonably traced between the cultural items and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the Responsible Official identified in ADDRESSES. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after
[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL**

REGISTER]. If competing requests for repatriation are received, the NYSM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The NYSM is responsible for sending a copy of this notice to the Indian Tribe identified in this notice.

AUTHORITY: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.8, 10.10, and 10.14.

Dated: November 30, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

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